

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Mulinelli (S)	Team: Squad #7	CCRB Case #: 201801655	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 01/14/2018 6:30 PM	Location of Incident: [REDACTED]	Precinct: 18	18 Mo. SOL 7/14/2019	EO SOL 7/14/2019	
Date/Time CV Reported Wed, 02/28/2018 12:42 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 02/28/2018 12:42 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DTS Paul Robinson	01399	[REDACTED]	MTN PCT
2. SGT Mitchell Atilas	01079	[REDACTED]	MTN PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Charlene Davis	01407	[REDACTED]	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Paul Robinson	Discourtesy: Detective Paul Robinson spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.DTS Paul Robinson	Abuse: Detective Paul Robinson strip-searched § 87(2)(b) [REDACTED]	[REDACTED]
C.DTS Paul Robinson	Abuse: Detective Paul Robinson made a sexually suggestive remark to § 87(2)(b) [REDACTED]	[REDACTED]
D.DTS Paul Robinson	Abuse: Detective Paul Robinson sexually humiliated § 87(2)(b) [REDACTED]	[REDACTED]
E.SGT Mitchell Atilas	Abuse: Sergeant Mitchell Atilas refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
F.DTS Paul Robinson	Abuse: Detective Paul Robinson refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On February 28, 2018, § 87(2)(b) filed this complaint via the CCRB's Call Processing System.

On January 14, 2018, at approximately 6:30 p.m., § 87(2)(b) was arrested by Det. Paul Robinson and PO Charlene Davis of the 18<sup>th</sup> Precinct. Upon arriving at the 18<sup>th</sup> Precinct stationhouse, Det. Robinson asked § 87(2)(b) "Now who the fuck was that kid you were with?" (**Allegation A: Discourtesy**, § 87(2)(g)). Det. Robinson searched § 87(2)(b) at the front desk and reportedly felt a bag hidden inside § 87(2)(b)'s underwear. Det. Robinson allegedly strip-searched § 87(2)(b) and recovered a bag of marijuana from his underwear (**Allegation B: Abuse of Authority**, § 87(2)(g)). Following this search, § 87(2)(b) asked Det. Robinson if he wanted to look at his penis again. Det. Robinson replied, "It's kind of small; I'm not interested" (**Allegation C: Abuse of Authority**, § 87(2)(g); **Allegation D: Abuse of Authority**, § 87(2)(g)). Det. Robinson continued, telling § 87(2)(b) "Shut the fuck up" (**Allegation A: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) was ultimately charged with § 87(2)(b), § 87(2)(a) CPL 160.50

Video footage of this incident was recorded on PO Davis' body-worn camera and received from the Internal Affairs Bureau [01 Board Review].

### Findings and Recommendations

#### Allegation Not Pleaded

Body-worn camera footage recorded by PO Davis revealed that Det. Robinson told § 87(2)(b) that they "could have a tough time or an easy time" [01 Board Review]. The alleged threat was not pleaded given that § 87(2)(b) was already under arrest for § 87(2)(b), § 87(2)(a) CPL 160.50 [05 Board Review].

#### Allegation A – Discourtesy: Detective Paul Robinson spoke discourteously to § 87(2)(b)

#### Allegation C – Abuse of Authority: Detective Paul Robinson made a sexually suggestive remark to § 87(2)(b)

#### Allegation D – Abuse of Authority: Detective Paul Robinson sexually humiliated § 87(2)(b)

In phone statements, § 87(2)(b) stated that he was arrested and transported to the 18<sup>th</sup> Precinct stationhouse by Det. Robinson, who pulled out the waistband of § 87(2)(b)'s pants and underwear and looked at his penis during a search in front of the desk. § 87(2)(b) informed Det. Robinson that he should have been taken to a private room, at which time Det. Robinson responded, "Oh, it's okay. It's a small one anyway." § 87(2)(b) made no mention of any officer using profanity toward him [02-04 Board Review].



2018-05-18\_12-29-47.mp4

Body-worn camera footage recorded by PO Davis captured a conversation between Det. Robinson and § 87(2)(b) inside the RMP. § 87(2)(b) appears to be cooperative as he answers Det. Robinson's questions without issue. Det. Robinson then asks § 87(2)(b) "Now who the fuck was that kid you were with?" (00:20) § 87(2)(b) replies that he did not know but believed that the individual may have been associated with the NYPD [06 Board Review].



2018-05-18\_12-39-21.mp4

In the above video, Det. Robinson and § 87(2)(b) are seen standing in front of the desk. Det. Robinson asks § 87(2)(b) if he had anything between his cheeks, and § 87(2)(b) responds either, "No, but you want to run dick again?" or, "No, but you want to see my long dick again?" (Although the audio is unclear, the suggested meaning of either statement is a questioning of whether Det. Robinson wanted to conduct another search of § 87(2)(b)'s genital region. Det. Robinson replies, "It's kind of small; I'm not interested," before telling § 87(2)(b) to "shut the fuck up" (0:08 – 0:14) [06 Board Review].

Throughout the entirety of PO Davis' nine minute body-worn camera footage, § 87(2)(b) appears to be cooperative with officer inquiries and actions, and he generally speaks in a normal conversational tone [01 Board Review].

Det. Robinson testified that § 87(2)(b) was belligerent, angry, and acted like an "asshole" during transport. He acknowledged asking § 87(2)(b) about the individual he was with but denied specifically recalling whether he asked, "Who the fuck was that kid you were with?"

Det. Robinson acknowledged that he searched § 87(2)(b) at the stationhouse. During this search, § 87(2)(b) asked Det. Robinson, "You want to look at my long dick again?" Det. Robinson reportedly replied, "It's not that impressive, and I'm not interested." Det. Robinson chose to make this comment because § 87(2)(b) was being very disrespectful, and because he felt that he needed to make a joke to deescalate the interaction. He did not recall whether he told § 87(2)(b) to "shut the fuck up" or if he used the word "fuck" at any point.

Upon reviewing the above videos, Det. Robinson stated that he asked § 87(2)(b) "Now who the fuck was that kid you were with?" because § 87(2)(b)'s companion was uncooperative at the scene of arrest. He supplied no additional justification. After hearing his on-video comments regarding § 87(2)(b)'s penis, Det. Robinson confirmed that there were no additional factors leading him to make the comments. He added that he told § 87(2)(b) to "shut the fuck up" because § 87(2)(b) was being rude [08 Board Review].

Both PO Davis and Sgt. Mitchell Atilles, who was the Desk Sergeant at the time of the incident, denied having any independent recollection of the exchange captured on video. Sgt. Atilles

testified that he did not speak with Det. Robinson about his comments to § 87(2)(b) [09-10 Board Review].

Officers must be courteous and respectful when interacting with the public. Patrol Guide, procedure 203-09 [11 Board Review]. The NYPD has a zero tolerance policy toward all forms of sexual harassment of prisoners by other prisoners or any other person. Patrol Guide, procedure 210-01 [12 Board Review].

Det. Robinson initially denied remembering whether he used the term “fuck” during the incident. However, after reviewing the body-worn camera footage, Det. Robinson stated that he used the word “fuck” in questioning § 87(2)(b) about his companion because the companion had been uncooperative earlier in the afternoon. Det. Robinson also stated that he told § 87(2)(b) to “shut the fuck up” because § 87(2)(b) was rude. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Det. Robinson acknowledged making a joke about the size of § 87(2)(b)'s penis in order to deescalate a situation in which § 87(2)(b) was being disrespectful. The video revealed that § 87(2)(b) was standing still and speaking in a normal conversational tone when he asked Det. Robinson whether he wanted to see § 87(2)(b)'s penis again. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation B – Abuse of Authority: Detective Paul Robinson strip-searched § 87(2)(b)**

**Allegation E – Abuse of Authority: Sergeant Mitchell Atilas refused to provide his shield number to § 87(2)(b)**

**Allegation F – Abuse of Authority: Detective Paul Robinson refused to provide his shield number to § 87(2)(b)**

Upon filing this complaint and during follow-up phone conversations, § 87(2)(b) stated that Det. Robinson handcuffed him to a desk and strip-searched him by opening his pants and looking at his penis. He also alleged that he requested shield numbers from Det. Robinson and the officer manning the desk at the time of the search. § 87(2)(b) missed three appointments without giving prior notice of cancellation, and he did not provide a sworn statement [02-04 Board Review].

Det. Robinson stated that he was conducting a routine search of § 87(2)(b) at the desk when he felt a “squishy” object hidden in § 87(2)(b)'s underwear. Det. Robinson acknowledged

reaching into § 87(2)(b)'s underwear to retrieve what was ultimately determined to be a bag of marijuana, but he denied lowering § 87(2)(b)'s pants or exposing his undergarments or genitals. He denied strip-searching § 87(2)(b) at any point [08 Board Review].

PO Davis and Sgt. Atilas denied that § 87(2)(b) was strip-searched at any point. Further, Sgt. Atilas testified that he did not authorize a strip-search of § 87(2)(b). All of the officers interviewed denied that § 87(2)(b) requested any officer's shield number. No officer acknowledged refusing to provide such information [09-10 Board Review].

§ 87(2)(b)'s arrest report revealed that he was not strip-searched, and neither Det. Robinson's memo book nor the Command Log contained any entries in regard [05, 13, 17 Board Review].

PO Davis' body-worn camera footage did not capture § 87(2)(b) requesting an officer's shield number, the alleged strip-search of § 87(2)(b) or the point at which Det. Robinson reached into § 87(2)(b)'s underwear to retrieve contraband [01 Board Review].

As noted above, § 87(2)(b) missed three appointments and did not provide a detailed statement to the CCRB. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party [14 Board Review].
- Det. Robinson has been a member of service for 15 years and has been a subject in 12 other CCRB complaints and 29 other allegations, none of which were substantiated. § 87(2)(b)
- Sgt. Atilas has been a member of the service for 13 years and has been a subject in five other cases and 11 other allegations, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
  - A Notice of Claim inquiry was submitted to the Office of the New York City Comptroller on May 18, 2018. Its results will be added to the case file upon receipt [15 Board Review].
  - § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: 7

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date